



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखे जा सकें।  
Separate paging is given to this Part in order that it may be filed as a separate compilation

## LOK SABHA

The following Bills were introduced in Lok Sabha on the 15th July, 1977:—

BILL No. 59 OF 1977

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1977.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2 In article 217 of the Constitution, in sub-clause (b) of clause (2),—

Amendment of article 217.

(i) for the words "succession; or", the word "succession:" shall be substituted;

(ii) the following proviso shall be added at the end, namely:—

"Provided that no person shall be appointed as a Judge of the High Court of which he has been or is an advocate at the time of appointment; or".

## STATEMENT OF OBJECTS AND REASONS

The practice prevailing at present is that an advocate practising in a High Court is appointed as a Judge in the same High Court. This method cannot be considered as satisfactory for the reason that such advocates before appointment as Judges have professional contacts with the litigant public and the appointment to the same High Court is against the spirit of the well-known maxim that "Justice must not only be done but must appear to have been done" In order to ensure the independence of Judges it is essential and desirable that no person should be appointed as a Judge of that very High Court of which he has been or is an advocate at the time of appointment. The proposed amendment is, therefore, necessary for ensuring and strengthening judicial independence which is absolutely necessary for enforcing the Rule of Law.

Hence this Bill.

OM PRAKASH TYAGI

NEW DELHI;

*The 6th June, 1977.*

BILL NO. 63 OF 1977

*A Bill further to amend the Essential Commodities Act, 1955.*

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Essential Commodities (Amendment) Act, 1977.

(2) It shall come into force at once.

10 of 1955

2. For section 10A of the Essential Commodities Act, 1955, the following section shall be substituted, namely:—

“10A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable and non-bailable.”

Short  
title and  
com-  
mence-  
ment.

Substitu-  
tion of  
section  
10A.

Offences  
to be  
cogniza-  
ble and  
non-bail-  
able.

## STATEMENT OF OBJECTS AND REASONS

The hoarders, black-marketeers are playing hell with the lives of millions of people in the country by violating the provisions of the Essential Commodities Act, 1955.

These man-eaters are too cunning and always escape through the lacunae in the law. Even in case when they are caught red-handed, they get immediate bail even from the police officer and try to tamper with evidence and foil the process of investigation. So, the administration of justice is reduced to a farce.

These undesirable and anti-social elements should be sternly dealt with.

To achieve the very object of the Act, to secure effective administration of justice, to ensure a free and fair investigation, it is necessary that such persons should not be released on bail.

Hence it is necessary to make every offence under this Act non-bailable.

NEW DELHI;

K. LAKKAPPA.

The 14th June, 1977.

## BILL No. 62 OF 1977

*A Bill to provide for compulsory payment of allowance to all unemployed persons in the country.*

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Unemployment Allowance Act, 1977.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short  
title,  
extent  
and  
com-  
mence-  
ment.

2. Every educated unemployed person, including an unemployed doctor, engineer or diploma holder, shall be paid compulsorily an allowance of rupees one hundred and fifty per month and every other unemployed person shall be paid an allowance of rupees one hundred per month till such time upto which he remains unemployed or starts his own business, whether individually or in partnership.

Unem-  
ployment  
allowance  
to all  
unem-  
ployed  
persons.

Provided that if a person declines an offer of employment made to him, he shall not be entitled to an allowance under this section.

## STATEMENT OF OBJECTS AND REASONS

There are more than 20,000 doctors, 20,000 engineers and 50,000 diploma holders and lakhs of other educated unemployed persons in the country. The half-a-million job scheme has not also been able to provide adequate job opportunities for the educated unemployed. There is a great frustration among these people. This Bill seeks to give them compulsorily an unemployment allowance. Thus they would be getting some money to maintain themselves till they get some job or start their own business.

Hence this Bill.

K. LAKKAPPA.

NEW DELHI;

*The 14th June, 1977.*

## FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for payment of a sum of rupees one hundred and fifty per month to all educated unemployed persons and rupees one hundred to all other unemployed persons in the country. The Bill, if enacted, is, therefore, likely to involve a recurring expenditure of about rupees fifteen crores from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

## BILL No 60 OF 1977

*A Bill to provide for abolition of caste system and to put a ban on expression of caste after the name.*

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short  
title,  
extent and  
com-  
mence-  
ment.

1. (1) This Act may be called the Caste System (Abolition) Act, 1977.
- (2) It extends to the whole of India.
- (3) It shall come into force six months after the date on which it receives the assent of the President.

Abolition  
of caste  
system.

2. The Caste system is hereby abolished.

Declara-  
tion of  
caste as  
unlawful.

3. It shall be unlawful for any Government, authority or person to require a person, who is a citizen of India, to declare his caste in any form, statutory or non-statutory, official or non-official.



4. No person shall mention his caste after his name, either in writing or in speech. Prohibition of mentioning Caste after name.
- 5 No person shall call another person by his caste or mention another person's caste while communicating with him in writing or in speech Prohibition on calling a person by his caste.
6. No person shall compel any other person to act in a manner contrary to the provisions of sections 3, 4 and 5 of this Act. Compelling persons to act contrary to provisions.
7. Any person who acts in contravention of the provisions of this Act, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both. Penalty
8. (1) **The Central Government shall give effective and regular publicity to the provisions of this Act for a period of ten years from the commencement of this Act.** Publicity to be given by the Central Government.  
(2) The publicity shall be made through various official and non-official mass publicity mediae including newspapers, magazines, radio, television and cinema.

## STATEMENT OF OBJECTS AND REASONS

In the preamble to the Constitution of India, the people have resolved, *inter alia*, to secure to themselves justice, social, economic and political, equality of status and dignity of individual. But the caste system in India has betrayed this noble resolve. In order to make citizens equality a reality, the human mind will have to liberate itself from this obsolete concept. Casteism has embittered man and man relationship in our society.

The concept of casteism and the practice of tracing one's social status from his caste is a reactionary and fossilized concept. Such reactionary attitudes will have to be discarded completely if the egalitarian principles of the Constitution are to inform and elevate our social life.

Hence this Bill.

NEW DELHI;  
The 14th June, 1977.

K. LAKKAPPA.

## FINANCIAL MEMORANDUM

Clause 8 of the Bill provides for publicity of the provisions of this Act. It will involve an annual recurring expenditure of about ten lakh rupees from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

## BILL No. 61 OF 1977

*A Bill to provide for a scheme for eradication of poverty from the country.*

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short  
title.

1. This Act may be called the Eradication of Poverty Scheme Act, 1977.

Subsis-  
tence  
allow-  
ance.

2. Every citizen of India who is unable to earn a livelihood, for any justifiable reason, shall be entitled to a subsistence allowance to be fixed and payable by the Government.

Establish-  
ment of  
Indus-  
trial  
Train-  
ing Insti-  
tute.

3. For every twenty-five thousand of rural population, there shall be established by the State Government an Industrial Training Institute.

Minimum  
qualifi-  
cation  
for  
admis-  
sion and  
model  
scheme  
for voca-  
tional  
training.

4. Every Institute established under section 3 shall admit candidates who have passed at least fifth class of school education and shall prepare the candidates in one of the trades to be prescribed under a model scheme of vocational training to be prepared by the Central Government.

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- |  |   |
|--|---|
| 5. The training in the Institute shall be free and all expenses in connection with the training shall be borne by the State.   | Free training                                   |
| 6. Every trainee shall be paid by the Government a prescribed monthly stipend during the course of training.   | Stipend to trainees.                            |
| 7. After a candidate has completed the training in the Institute, he shall be granted by the Government all facilities, including a suitable amount of loan, under a scheme to be prepared by the State Government, for starting a cottage industry. | Loan and other facilities for cottage industry. |
| 8. The Central Government shall make rules for carrying out the purposes of this Act.  | Power to make rules.                            |

## STATEMENT OF OBJECTS AND REASONS

According to the estimates of national incomes for 1970-71, released by the Central Statistical Organisation, the daily *per capita* income in the country is 95 paise at 1960-61 prices. This is the average for the country as a whole. In rural areas the condition is more miserable. Majority of people in rural areas hardly get a square meal a day, not to talk of any standard of living. Approach to the Fifth Plan states: "A large proportion of the population has to go without even the most essential needs of daily life because total national income, and hence aggregate consumption, is too small relatively to the enormous size of the population.....". In these circumstances, it would only be a very modest step towards social justice to pay subsistence allowance to those who are unable to earn their livelihood for some justifiable reason. But that would be only in the nature of a relief. In order to enable the people to earn their living and to raise their lot, it is necessary that our youngmen are trained in some vocation and thereafter provided with all facilities, including financial assistance, by the State to set up their own cottage industries. This would go a long way to relieve the burden on land and to provide vastly expanded employment opportunities at reasonable income levels. Self-employment is the sure way to enable the vast numbers living below the poverty level to rise above it.

Hence this Bill.

K. LAKKAPPA.

NEW DELHI;

The 14th June, 1977.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for payment of subsistence allowance to the citizens. Clause 3 provides for establishment of Industrial Training Institutes. Under clauses 5 and 6, training shall be free and the trainees shall be paid stipends. Clause 7 provides for facilities and grant of loan by the Government for starting a cottage industry. A recurring expenditure of about rupees twenty-five lakhs is likely to be involved from the Consolidated Fund of India in respect of Union territories.

A non-recurring expenditure of about rupees one crore is also estimated to be involved from the Consolidated Fund of India.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 empowers the Central Government to prepare a model scheme of vocational training. Clause 7 empowers the State Governments to prepare schemes for extending facilities for starting of cottage industries and clause 8 empowers the Central Government to frame rules for carrying out the purposes of this Act. These are matters of details and the delegation of power is of a normal character.



## BILL No. 67 OF 1977

*A Bill to prevent the imposition of social disabilities by a member or members of a community on a member or members of his or their own community; to provide for penalties for such an act or acts and for matters connected therewith*

WHEREAS it has come to notice that the practice of imposing social disabilities prevails in certain communities, which amongst other things deprives their members of the rights and privileges to which they are entitled by reason of birth or otherwise and which results in flagrant violation of their fundamental rights as citizens of this country;

AND WHEREAS in keeping with the spirit of social change and democratic set up of our country and in the larger public interest it is expedient to prevent the imposition of such social disabilities and to provide penalties for such an act or acts and for matters connected therewith;

BE it enacted by Parliament in the Twenty-eighth year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Social Disabilities Act, 1977.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Short  
title,  
extent  
and  
commen-  
cement.

Defini-  
tions.

2. In this Act, unless the context otherwise requires,—

(a) "community" means a group of members who are connected together by birth, conversion or performance of religious rites or ceremonies or who belong to the same religion or religious creed and include a caste or sub-caste,

(b) "member" means, a person, whether male or female, who is a member of any community.

Imposi-  
tion of  
social dis-  
abilities.

3. A member shall be deemed to have imposed social disability on a member of his community if he—

(a) denies, prevents or obstructs or causes to deny, prevent or obstruct any member of his own community from having access to or from using any place of worship or prayers or any place intended to be used for performing any religious ceremony or rite, prevalent or practised in his community;

(b) prevents or obstructs or causes to prevent or obstruct any member of his community from having access to or from using any place used or intended to be used for a charitable, religious or public purpose and established, run, or maintained wholly or partly by his own community for and on behalf of the community and which is normally available for use to or by any member of his own community;

(c) prevents or obstructs or causes to prevent or obstruct any member of his community from enjoying any benefit under a charitable trust or Wakf created for the benefit of his community;

(d) prevents or obstructs or causes to prevent or obstruct any member of his community from having access to or using the facilities of any school, educational institution, medical institution, community hall, club hall, cemetery, burial ground or any other place used by or intended to be used by, or for the benefit of, his community;

(e) prevents or obstructs or causes to prevent or obstruct any member of his community from observing any social or religious, custom or usage or ceremony or from taking a part in a social or religious functions congregation, assembly, meeting or procession;

(f) prevents or obstructs or causes to prevent or obstruct any member of his community from establishing or maintaining such social, professional, or business relations as he would ordinarily establish or maintain with other members of his community;

(g) incites, provokes, or encourages any member of his community directly or indirectly to sever social, religious, professional or business relations with any other member or members of his community;

(h) refuses or denies or causes to refuse or deny to any member of his community the right to perform such marriage, funeral or other religious ceremonies and rites as the members of his own community usually and ordinarily perform;

(i) prevents or obstructs or causes to prevent or obstruct any member of his community from entering, lodging in or otherwise

using any Dharmashala, Sarai or Musafarkhana which is ordinarily open to members of his community; or

(j) prevents or obstructs or causes to prevent or obstruct any member of his community from entering or using any place of worship such as temple, mosques, church, gurudwara or any cemetery, crematorium or burial ground which is ordinarily open to members of his community.

4. (1) Whoever imposes any social disability on any member of his community shall on conviction be punished with imprisonment of either description which may extend to six months or with fine, which may extend to one thousand rupees or with both.

Penalties.

(2) Whoever aids or abets in the commission of any offence punishable under this Act or connives at the commission of any such offence or harbours any offender or destroys any evidence shall on conviction be punished with imprisonment of either description which may extend to six months or with fine, which may extend to one thousand rupees or with both.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act—

Offences under this Act to be cognizable and compoundable.

(a) shall be cognizable, and

(b) may, with the permission of the Court be compoundable.

6. (1) A Police Officer may—

Police Officers to take action in cases of imposition of social disabilities

(a) remove or cause to be removed any barricade or obstruction erected, placed or found in any place, if such police officer has reasonable ground to believe that the barricade or obstruction was so erected or placed in order to be used for the purpose of committing an offence under this Act; or

(b) open or cause to be opened any gate or door, if such police officer has reasonable ground to believe that such gate or door was closed for the purpose of committing an offence under this Act.

(2) Whenever a police officer has reasonable ground to believe that any person is likely to commit an offence under this Act, he may arrest such person without a warrant and deliver him into the custody of the officer-in-charge of a police station who may either release the person arrested on his executing a bond with or without surety for his appearance in a Magistrate's Court or take or cause to be taken the person arrested before a Magistrate within twenty-four hours after the arrest.

(3) When a person appears before a Magistrate in compliance with a bond executed by him under sub-section (2) or is brought before a Magistrate, he may require such person to show cause why he should not be ordered to execute a bond with or without sureties for his good behaviour for such period not exceeding three years as the Magistrate may think fit. If after due inquiry, the Magistrate is satisfied that such person should execute a bond with or without sureties, the Magistrate shall make an order accordingly and the provisions of section 107 and sections 112 to 123 (both inclusive) of the Code of Criminal Procedure, 1973, shall apply to or in relation to all orders to furnish security made under this sub-section.

## STATEMENT OF OBJECTS AND REASONS

The outdated and unconstitutional practices such as untouchability, boycotts, etc., are still practised in various communities in the country, resulting in great harassment to individuals or groups. The harassment so caused, naturally gives rise to illfeeling and disharmony towards each other. This has far-reaching effects on the social life of the community. It is, therefore, necessary to root out these evils by putting a stop to the imposition of the various social disabilities. The objective can be achieved by enacting a suitable legislation for the purpose and also for providing punishment to those who indulge in such evil practices.

Hence this Bill.

NEW DELHI;

VASANT KUMAR PANDIT.

*The 15th June, 1977.*

## BILL No. 65 OF 1977

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1977.

(2) It shall come into force at once.

2. In article 51 of the Constitution, after clause (d), the following clause shall be inserted, namely:

“(e) collaborate with other nations for the early formation of a World Constituent Assembly to draft the Constitution for a World Federal Government.”.

Short  
title and  
commence-  
ment.

Amend-  
ment of  
article 51.

## STATEMENT OF OBJECTS AND REASONS

The time is opportune, nay ripe, for all good men and good governments of the world to get together and make earnest efforts for convening a World Constituent Assembly as a preparatory step towards the establishment of a Parliament of Man and Federation of the World. War cannot be abolished, nor can a warm living peace descend on earth, unless such a world order based on World Law is firmly founded.

Hence this Bill.

H. V. KAMATH

NEW DELHI;

*The 15th June, 1977.*

## BILL NO. 64 OF 1977.

*A Bill to amend the Haj Committee Act, 1959.*

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Haj Committee (Amendment) Act, 1977.

Short  
title.

51 of 1959.]

2. In section 7 of the Haj Committee Act, 1959 (hereinafter referred to as the principal Act),—

Amend-  
ment of  
section 7.

(a) the words “not less than” shall be omitted;

(b) the following proviso shall be added at the end, namely:—

“Provided that notwithstanding the expiration of the term of office of the members of the Committee, the former Committee shall continue to exercise its function under this Act until a new Committee is constituted in accordance with the provisions of the Act, and on such constitution, the former Committee shall stand dissolved.”.

3. In section 8 of the principal Act, in sub-section (1), for the words “At such time as the Central Government may deem to be expedient before or after the expiry of the period of three years”, the words “As soon as it may be expedient” shall be substituted.

Amend-  
ment of  
section 8.

## STATEMENT OF OBJECTS AND REASONS

According to the Haj Committee Act, 1959, term of Office of the members of the Committee is not less than three years. This leaves scope to continue the Committee for an unduly long period of time. The Bill is designed to give the Committee a specific term of office.

NEW DELHI;

G. M. BANATWALLA.

*The 15th June, 1977.*

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AVTAR SINGH RIKHY,  
*Secretary.*